

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKBarry Haywood Jr. AKA- Anthony Howard

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

The City of New YorkPolice Officer Fidel HernandezPolice Officer Felipe FilippiSergeant William SampleLieutenant Perez

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

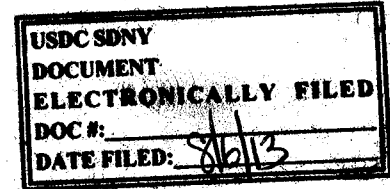
- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff's

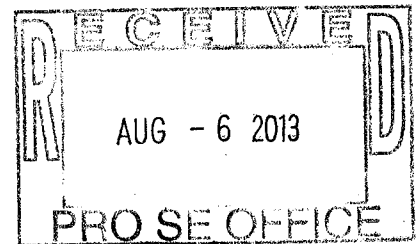
Name Anthony HowardID# 241-12-09423Current Institution RNDC C-74 (Rikers Island)Address 11-11 Hazen St. East Elmhurst, NY 11370

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name Sergeant William Sample Shield # 4396Where Currently Employed Patrol Borough Bronx Task ForceAddress 1278 Sedgewick Avenue, Bronx, NY 10451

PRO SE OFFICE

(second)
**AMENDED
COMPLAINT**under the Civil Rights Act,
42 U.S.C. § 1983Jury Trial: ☐ Yes ☒ No
(check one)13 Civ. 166 (PAE) (JLC)

Defendant No. 2 Name Police Officer Fidel Hernandez Shield # 20876
 Where Currently Employed Patrol Borough Bronx Task Force
 Address 1278 Sedgwick Avenue, Bronx, NY 10451

Defendant No. 3 Name Police Officer ^{Felipe} ~~Filippi~~ Filippi Shield # 3705
 Where Currently Employed Patrol Borough Bronx Task Force
 Address 1278 Sedgwick Avenue, Bronx, NY 10451

Who did
what?

Defendant No. 4 Name Lieutenant Perez Shield # 000000
 Where Currently Employed 40TH Precinct
 Address 257 Alexander Avenue, Bronx, NY 10454

Defendant No. 5 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?

N/A

B. Where in the institution did the events giving rise to your claim(s) occur?

N/A

C. What date and approximate time did the events giving rise to your claim(s) occur?

12 AM midnight of
~~October 13th~~ October 13th 2012

D. Facts: when the police arrived at the scene, they grabbed me by my neck and wrist. Officer Hernandez said that they were "gonna beat my ass". Officer Filippi started laughing, so I snatched my hand back and ran from them. While

What
happened
to you?

running, they attempted to hit me with the police car. I jumped over the hood of the car and kept running. At this point more police started to chase me. While running across the over-pass of the Major Deegan Highway towards the Manhattan bridge, a police car came off the service road and hit me. My foot got caught in the tire and I lost a shoe. I couldn't run anymore because the hit from the car jammed my right big toe. I was tackled, hand cuffed, kicked & stomped, and even hit in the back of the head with what I believe to be a flashlight. After I was taken to the precinct they asked me my name, and I remained silent so they gave me a false name. They threw away most of my property and my jacket. They only vouchered my ID, and skateboard. I refused fingerprints because of the false name and they beat me again. Then they offered me food, soda, and cigarettes for the prints. After the prints I was given a voucher for the property with the officers name ripped off. There was a camera in the holding cell area that caught everything on October 13th at approximately 1:00 AM

Was anyone else involved?

Who else saw what happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

I was taken to the Hospital because it was hard for me to breath. I had a large cut on my face, bruised ribs, cracked elbow, and ~~was~~ a spranged toe from being hit by the car. I couldn't move my left arm for more than a month. I will be sending a copy of my Hospital papers along with this paper-work.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☒ No ☐

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

40TH Precinct Bronx, NY

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes _____ No X Do Not Know _____

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes _____ No X Do Not Know _____

If YES, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes _____ No X

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes _____ No X

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

N/A

1. Which claim(s) in this complaint did you grieve?

N/A

2. What was the result, if any?

N/A

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process.

N/A

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

The desk sergeant on duty that night did nothing about the officers actions, and said that they should have shot me.

2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any:

The Officer in charge saw what happened on camera and did nothing

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I will be sending all copies of paper work I obtained from the hospital and the 40th Precinct

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). I want whatever im entitled to for the mental anguish, and the pain & suffering of excessive by the NYPD. I want action on the two police officers for their inappropriate behavior.

\$500,000

On
these
claims

VI. Previous lawsuits:

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ____ No ☒

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ____ No ____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes ____ No ☒

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ____ No ____ N/A
If NO, give the approximate date of disposition _____
7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) N/A

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 4 day of June, 2013.

Signature of Plaintiff

Inmate Number

Institution Address

Barry Haywood Jr.
2412-09423
11-11 Hazen Street
RNDC - C 74
East Elmhurst, NY
11370

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 4 day of June, 2013, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

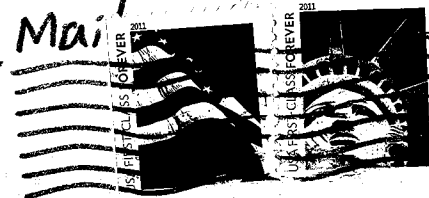
Signature of Plaintiff:

Barry Haywood Jr.

Anthony Howard (241-12-09423)
16-00 Hazen Street OBCC-CPSU
East Elmhurst, NY 11370

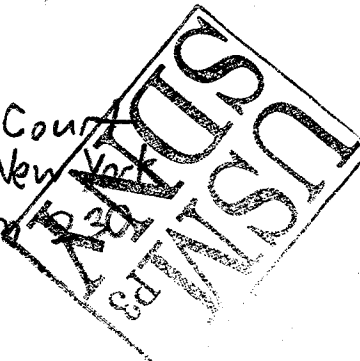


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United States District Court
Southern District of New York
500 Pearl Street, Room 1230
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